

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-2 and 4-9 are pending in this application. No claim amendments are presented, thus no new matter is added.

In the outstanding Office Action, the drawings are objected to under 37 C.F.R. § 1.83(a); and Claims 1-2 and 4-9 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with both the written description and enablement requirements.

As an initial matter, Applicants appreciatively acknowledge the courtesy extended by Examiner Fotakis and Primary Examiner Pathak in holding a personal interview with the undersigned on July 21, 2009. During the interview, an overview of the invention was presented and arguments were presented that the presently pending claims are supported by the originally filed disclosure. As a result of the clarification provided during the interview, Examiner Fotakis and Primary Examiner Pathak agreed that the outstanding objection to the drawings and rejection under 35 U.S.C. § 112, first paragraph, would be withdrawn. A brief summary of the arguments presented during the interview is provided below.

As a basis for the objection to the drawings, and a first basis for the outstanding rejection under 35 U.S.C. § 112, first paragraph, the Office Action asserts that the disclosure fails to show “a second radio station configured to carry out the multicast communication with a **second mobile station belonging to the specific multicast group**”. Applicants respectfully traverse this assertion.

As discussed during the interview, Figs. 1 and 2 and p. 6, ll. 26-29 of the specification disclose a configuration in which “the base stations 100a to 100g may transmit common information to the mobile stations 200a to 200l joining in (belonging to) the predetermined multicast group over the plurality of areas 300a to 300g.” Thus, the different base stations

(e.g., 100a to 100g) transmit common information to each of the mobile stations (e.g., 200a to 200l) in *the predetermined multicast group*. The specification, as discussed during the interview, clearly discloses that each of the mobile stations (e.g., 200a to 200l) serviced by each of the base stations (e.g., 100a to 100g) may be part of the same multicast group and not a different multicast group.

As a second basis for rejecting the claims under 35 U.S.C. § 112, first paragraph, the Office Action asserts that the specification fails to adequately describe the feature that “the first radio station comprises: a communication quality acquirer configured to acquire ... a communication quality of a signal transmitted from the second radio station to the second mobile station belonging to the specific multicast group”. Applicants respectfully traverse this assertion.

As discussed during the interview, and as outlined in the Interview Summary, a radio station (i.e., base station) is capable of acquiring the communication quality of a signal transmitted between another base station and a mobile station, which belongs to the specific multicast group and receives a signal from the another base station. As disclosed in an exemplary embodiment at p. 9. ll. 8-14 of the specification, this communication quality information may be exchanged between the radio stations by way of communications performed directly between the base stations or via a radio network controller (RNC). P. 25, ll. 12-16 of the specification further describes that portions, or all, of the functions of the base station may be incorporated into the RNC, thus further facilitating the communication between the radio stations. Therefore, the specification does disclose the claimed feature that “the first radio station comprises: a communication quality acquirer configured to acquire ... a communication quality of a signal transmitted from the second radio station to the second mobile station belonging to the specific multicast group”.

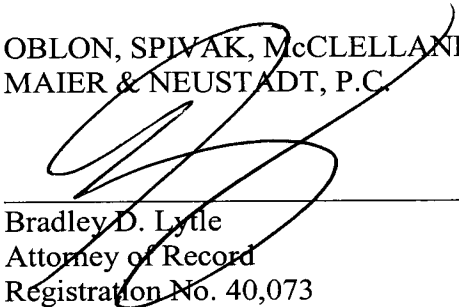
Accordingly, Applicants respectfully submit that each of the features recited in pending Claims 1-2 and 4-9 is supported by the originally filed disclosure. Applicants also appreciatively acknowledge the indication in the Interview Summary that the objection to the drawings and rejection under 35 U.S.C. § 112, first paragraph, have been withdrawn.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Consequently, for the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Andrew T. Harry
Registration No. 56,959